

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

MICHAEL PAUL MERRITT,

Plaintiff,

v.

BRANDON FRANCO,

Defendant.

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2:19-CV-175-Z-BR

**ORDER ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION TO
DISMISS THE COMPLAINT**


On April 8, 2020, the United States Magistrate Judge entered findings and conclusions in this case (ECF No. 9). The Magistrate Judge RECOMMENDS that Defendant's Motion to Dismiss (ECF No. 7) be GRANTED and that Plaintiff's complaint (ECF No. 3) be DISMISSED without prejudice for lack of subject-matter jurisdiction.

After making an independent review of the pleadings, files, and records in this case and the findings, conclusions, and recommendation of the Magistrate Judge, the Court concludes that the findings and conclusions are correct. "A federal court has subject matter jurisdiction over civil cases arising under the Constitution, laws, or treaties of the United States, or over civil cases in which the amount in controversy exceeds \$75,000, exclusive of interest and costs, and in which diversity of citizenship exists between the parties." *Benamou v. Wells Fargo Bank Nat'l Ass'n*, No. 3:15-CV-3367-L, 2015 WL 6446224, at *1 (N.D. Tex. Oct. 23, 2015) (Lindsay, J.) (internal marks omitted) (citing 28 U.S.C. §§ 1331, 1332). Plaintiff has failed to establish either of these sources of subject-matter jurisdiction.

Accordingly, it is ORDERED that the findings, conclusions, and recommendation of the Magistrate Judge are ADOPTED, that Defendant's Motion to Dismiss (ECF No. 7) is GRANTED, and that Plaintiff's complaint (ECF No. 3) is DISMISSED without prejudice.

SO ORDERED.

May 12, 2020.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE